

REMARKS

In accordance with the foregoing, claims 1 and 7 are amended. No new matter is added. Claims 1-35 are pending and under consideration.

CLAIM REJECTIONS 35 U.S.C. § 103

Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,794,207 to Walker et al. (hereinafter "Walker").

1. In the Amendment filed in response to the prior Office Action, Applicants argued that Walker does not render obvious the features of the claims, because the purpose and conditions in Walker are fundamentally different from the purpose and conditions for the witness system and method of the present application. Walker's system/method performs in a bidding situation, before a moment of a sale, while the method/system claimed in the present application, performs after the moment of the sale (e.g., "sales data about one or more items sold by a seller to a buyer", claim 34) to ensure efficient distribution and account settlement (accounting) processes between the seller and the buyer.

The Examiner indicates that on col. 23, lines 12-18, which describes "the status of counteroffer 140 is changed to 'completed'" as disclosing "after at least one sale operation has been agreed upon" as recited in claim 1. However, even if the operations of Walker's system conclude with a sale, the operations do not take place after the sale, as recited in claim 1. Most of the Walker's portions cited in the Office Action, refer to the CPO, which is the acronym of 'Conditional Purchase Offer.' The existence of an offer (or counteroffer) signals bidding, that is, the sale has not been completed. Therefore, Applicants believe that Walker does not teach the features recited in the independent claims.

In order to emphasize the above-identified difference between Walker the subject matter recited in the claims, claims 1 and 7 are amended herewith and further specify "after at least one sale operation has been agreed upon when an offer and acceptance have occurred."

2. Applicants also previously argued that Walker does not teach or suggest "confirmation document making means for making a confirmation document by a buyer for each one of a plurality of seller records", as recited in claim 1, and corresponding features in claims 7, 17, 25-29 and 35.

The Office Action submits that Walker does not teach "confirmation...", but asserts that "it would have been obvious for one of ordinary skill in the art at the time of the invention" to include

the missing feature in Walker's system/method. However, the position that Walker's system can be modified to arrive at the claimed system is insufficient to establish a *prima facie* case of obviousness. MPEP 2143.01 states that the "fact that references can be combined or modified is not sufficient to establish *prima facie* obviousness" and "[a]lthough a prior art device 'may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so'".

3. Applicants argued also that Walker does not teach or suggest "said seller checks said detailed payment statement against documents stored in memory according to said memory means" as recited in claim 10. The previous Office Action asserted that this feature "is well known in business," and we demanded authority for the statement.

In response, the Office Action indicates a portion of Walker (col. 18, lines 9-14) in which the CPO is reviewed (e.g., spell checked) or clarified. Although disparate words of the feature appear in the indicated portion of Walker, Applicants respectfully note that spell checking disclosed in Walker does not render obvious the above-cited feature of claim 10. Note also that the spell-checking in Walker is applied to the Conditional Purchase Offer and not after the sale.

In view of the above arguments, Applicants respectfully submit that claim 1 and claims 2-6, 20, 22 and 24 depending directly or indirectly from claim 1, are patentable at least because Walker does not anticipate or render obvious:

- "confirmation document making means for making a confirmation document by the buyer for each one of a plurality of received seller records sent from the seller to the buyer, each seller record including sales data about one or more items sold by the seller to the buyer, the buyer generating a confirmation document corresponding to each seller record, and each confirmation document indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records"
- "witness receiving means for receiving each confirmation document from the buyer after the buyer makes each confirmation document"
- "confirmation means for confirming by the seller that the content of each of the seller records is in agreement with the content of a corresponding one of the confirmation documents sent to the seller from the witness receiving means, wherein said witness receiving means certifies and registers each confirmation document as being accurate once said confirmation means confirms each confirmation document" and

- “memory means for storing in memory the confirmation documents registered by said witness receiving means.”

Claim 1 has also been amended to specify that “the witness system responds to any subsequent inquiry of the buyer or the seller relative to a specific sale using the stored confirmation documents. “ The claim amendment is fully supported by the originally filed specification, for example, FIGS. 20, 25, 39 and the corresponding descriptions in the specification. Walker does not disclose a system having this feature.

Applicants respectfully reiterate their request to receive specific arguments correlated with the claim language to which they can present a rebuttal or counter-arguments. 37 C.F.R. 1.104 clearly directs the Office to provide specific arguments addressing all the elements and features in the claims and to respond to the previously filed arguments.

Independent claim 7 and claims 8-14, 19, 21, and 23 depending from claim 7, are patentable at least because the following features of the account settlement system of claim 7 are not taught, suggested or inherent to the system disclosed in Walker:

- notarization document making means for making a notarization document by a buyer for each one of a plurality of seller records sent from a seller to the buyer after at least one sale operation has been agreed upon when an offer and an acceptance have occurred, each seller record including sales data about one or more items sold by the seller to the buyer, the buyer making each notarization document upon receipt of each seller record, and each notarization document indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records;
- sending means for sending to a notarization authority each notarization from the buyer after the buyer makes each notarization document, and for sending each notarization document from the notarization authority to the seller;
- confirmation means for confirming by the seller whether the contents of each seller record is in agreement with the contents of a corresponding one of the notification documents;
- a witness having the notarization authority and certifying that each notification document is accurate after the seller confirms that each seller record agrees with the corresponding notarization document;
- memory means for storing in a memory the notarization documents certified by said witness;

- detailed payment statement making means for making, with reference to the notarization documents stored in the memory, a detailed payment statement, upon which payment to the seller by the buyer is to be based;
- funds transfer request means for requesting a transfer of funds, based on the detailed payment statement; and
- notification means for notifying said witness of a transfer of funds, when funds are transferred to the seller based on the funds transfer request,
- wherein the witness responds to any subsequent inquiries of the buyer or the seller related to a specific sale using the stored notarization document.

Independent claim 15 and claim 16 depending from claim 15 are patentable at least because the following features of the account settlement system utilizing a witness system of claim 15 are not taught, suggested or inherent to the system disclosed in Walker:

- notarization document making means for making a notarization document by a seller for each one of a plurality of buyer records sent from a buyer to the seller, each buyer record including sales data about one or more items sold by the buyer to the seller, the seller making each notarization document upon receipt of each buyer record, and each notarization document indicating a sale and corresponding sales data of at least one item among the plurality of seller records;
- sending means for sending to a notarization authority each notarization from the seller after the seller makes each notarization document, and for sending each notarization document from the notarization authority to the buyer;
- confirmation means for confirming by the buyer whether the contents of each buyer record is in agreement with the contents of a corresponding one of the notification documents;
- a witness having the notarization authority and certifying that each notification document is accurate after the buyer confirms that each buyer record agrees with the corresponding notarization document;
- memory means for storing in a memory the notarization documents certified by said witness;

- detailed payment statement making means for making, by said buyer, with reference to the notarization documents stored in the memory, a detailed payment statement upon which a set-off payment by the seller to the buyer is based; and
- request means for requesting a financial institution to issue a check to the buyer, based on the detailed payment statement.

Independent claim 17 and claim 18 depending from claim 17 are patentable at least because the following features of the account settlement system utilizing a witness system of claim 15 are not taught, suggested or inherent to the system disclosed in Walker:

- notarization document making means for making a notarization document by a buyer for each one of a plurality of seller records sent from a seller to the buyer, each seller record including sales data about one or more items sold by the seller to the buyer, the buyer making each notarization document upon receipt of each seller record, and each notarization document indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records;
- sending means for sending to a notarization authority each notarization from the buyer after the buyer makes each notarization document, and for sending each notarization document from the notarization authority to the seller;
- confirmation means for confirming by the seller whether the contents of each seller record is in agreement with the contents of a corresponding one of the notification documents;
- a witness having the notarization authority and certifying that each notification document is accurate after the seller confirms that each seller record agrees with the corresponding notarization document;
- memory means for storing in a memory the notarization documents certified by said witness;
- detailed payment statement making means for making, with reference to the notarization documents stored in the memory, a detailed payment statement, upon which payment to the seller by the buyer is to be based; and
- request means for requesting a financial institution to issue a note to the buyer.

Independent claim 25 is patentable at least because the following features of the method for document confirmation by a witness system of claim 25 are not taught, suggested or inherent

to the system disclosed in Walker:

- making a confirmatory document by a buyer for each one of a plurality of seller records sent from a seller to the buyer, each seller record including sales data about one or more items sold by the seller to the buyer, the buyer making each confirmatory document upon receipt of each seller record, and each confirmatory document indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records;
- sending to a witness each confirmatory document from the buyer after the buyer makes each confirmatory document, and sending each confirmatory document from the witness to the seller;
- confirming by the seller whether the contents of each seller record are in agreement with the contents of a corresponding one of the confirmatory documents;
- certifying, by the witness, that each confirmatory document is accurate, and notifying the buyer and the seller of each certification; and
- storing the certified documents in a memory.

Independent claim 26 is patentable at least because the following features of the account settling method utilizing a witness system of claim 26 are not taught, suggested or inherent to the system disclosed in Walker:

- making a notarization document by a buyer for each one of a plurality of seller records sent periodically from a seller to the buyer, each seller record including sales data about one or more items sold by the seller to the buyer, the buyer making each notarization document upon receipt of each seller record, and each notarization document indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records;
- sending to a notarization authority each notarization document from the buyer after the buyer makes each notarization document, and sending each notarization document from the notarization authority to the seller;
- confirming by the seller whether the contents of each seller record are in agreement with the contents of a corresponding one of the notarization documents;
- notarizing, by a witness having the notarization authority, that each document is accurate and notifying the buyer and the seller of each notarization, after the seller

confirms that each seller record agrees with the corresponding notarization document;

- storing in a memory the notarized documents;
- making, with reference to the stored notarization documents, a detailed payment statement upon which is based payment by the buyer to the seller; and
- requesting the transfer of funds to the seller, based on the detailed payment statement.

Independent claim 27 is patentable at least because the following features of claim 27 are not taught, suggested or inherent to the system disclosed in Walker:

- making a confirmatory document by a buyer for each one of a plurality of seller records sent from a seller to the buyer, each seller record including sales data about one or more items sold by the seller to the buyer, the buyer making each confirmatory document upon receipt of each seller record, and each confirmatory document indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records;
- sending, to a witness, each confirmatory document from the buyer after the buyer makes each confirmatory document, and sending each confirmatory document from the witness to the seller;
- confirming by the seller whether the contents of each seller record are in agreement with the contents of a corresponding one of the confirmatory documents;
- certifying by the witness that each confirmatory document is accurate, and notifying the buyer and the seller of each certification, after the seller confirms that each seller record agrees with the corresponding confirmatory document; and
- storing in a memory each certified document.

Independent claim 28 is patentable at least because the following features of claim 28 are not taught, suggested or inherent to the system disclosed in Walker:

- making a notarization document by a buyer for each one of a plurality of seller records sent from a seller to the buyer, each seller record including sales data about one or more items sold by the seller to the buyer, the buyer making each notarization document upon receipt of each seller record, and each notarization document

indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records;

- sending, to a notarization authority, each notarization document from the buyer after the buyer makes each notarization document, and sending each notarization document from the notarization authority to the seller;
- confirming, by the seller, whether the contents of each seller record and the contents of a corresponding one of the notarization documents are in agreement;
- notarizing, by a witness having the notarization authority, that each notarization document is accurate, and notifying the buyer and the seller of each notarization, after the seller confirms that each seller record agrees with the corresponding notarization document;
- storing, in a memory, the notarized documents;
- making, with reference to the notarized documents, a detailed payment statement upon which is based payment by the buyer to the seller; and
- requesting that funds be transferred to the seller, based on the detailed payment statement.

Independent claim 29 is patentable at least because the following features of claim 29 are not taught, suggested or inherent to the system disclosed in Walker:

- first computing means for making a document upon receipt of each one of a plurality of records, each record including sales data about one or more items sold by a seller to a buyer, each document being made upon receipt of each record, and each document indicating a selected sale and corresponding sales data of at least one item among the plurality of seller records;
- second computing means for confirming the contents of each document; and
- third computing means for performing notarization of each confirmed document and storing in a memory each notarized document data.

Independent claim 34 is patentable at least because the following features of the account settlement system of claim 34 are not taught, suggested or inherent to the system disclosed in Walker:

- payment request means for making a detailed payment statement that aggregates a selected plurality of payment objects and sending a payment request based on the detailed payment statement, each payment object being created upon receipt of a corresponding one of a plurality of seller sales records, each seller sales record including sales data about one or more items sold by a seller to a buyer, and each payment object indicating a selected sale and corresponding to the sales data of at least one item among the plurality of seller sales records; and
- comparison means for comparing the detailed payment statement with the seller sales record.

Independent claim 35 is patentable at least because the following features of the method of exchanging sales data of claim 35 are not taught, suggested or inherent to the system disclosed in Walker:

- creating a confirmation document by a buyer for each one of a plurality of vouchers sent to the buyer by a seller, each voucher including sales data about one or more items sold by the seller to the buyer, the buyer making each confirmation document upon receipt of each voucher, and each confirmation document indicating a selected sale and corresponding sales data of at least one item among the plurality of vouchers;
- sending each confirmation document from the buyer after the buyer makes each confirmation document to a witness;
- sending each confirmation document from the witness to the seller;
- confirming contents of each confirmation document by the seller by comparing the contents of each confirmation document with the contents of a corresponding one of the vouchers;
- certifying and registering each confirmation document by the witness when the witness receives confirmation of the contents of each confirmation document from the seller; and
- storing each payment document.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

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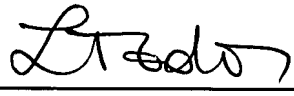
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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